

Attorney Docket No: VORT-001/01US

PATENT

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHOD FOR CREATING A VORTEX FLOW

the specification of which is a non-provisional application filed herewith.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim foreign priority benefits under 35 U.S.C. §119 and/or §365 of any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America listed below; I have also identified below any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

60/492,619
(Application Number)

5 August 2003
(Filing Date) (day, month, year)

I hereby claim the benefit under 35 U.S.C. §120 and/or §365 of any United States application(s) or of any international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

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U.S. APPLICATIONS			STATUS (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)			

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor:	Gregory A. Dougherty, Sr.	
Inventor's signature	<u>Gregory A. Dougherty Sr.</u>	Date <u>12/4/03</u>
Residence:	1119 East 19 th St., Gillette, WY 82717	
Citizen of:	US	
Post Office Address:	PO Box 3104	

Full name of second inventor:	Bradley J. Fehm	
Inventor's signature		Date
Residence:	9880 S. Concord Ct., Highlands Ranch, CO 80130	
Citizen of:	US	
Post Office Address:	Same as Above	

Full name of third inventor:	Thomas B. Smith	
Inventor's signature		Date
Residence:	7934 S. Gaylord Court, Centennial, CO 80122	
Citizen of:	US	
Post Office Address:	Same as Above	

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Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS			STATUS (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)			

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Gregory A. Dougherty, Sr.

Inventor's signature _____ Date _____
 Residence: 1119 East 19th St., Gillette, WY 82717
 Citizen of: US
 Post Office Address: Same as Above

Full name of second inventor: Bradley J. Fehn

Inventor's signature Bradley J. Fehn Date 12-3-03
 Residence: 9880 S. Concord Ct., Highlands Ranch, CO 80130
 Citizen of: US
 Post Office Address: Same as Above

Full name of third inventor: Thomas B. Smith

Inventor's signature Thomas B. Smith Date 12-3-03
 Residence: 7934 S. Gaylord Court, Centennial, CO 80122
 Citizen of: US
 Post Office Address: Same as Above

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Gregory A. Dougherty, Sr. et al.

Serial No.: Unassigned Examiner: Unassigned

Confirmation No.: Unassigned Art Unit: Unassigned

Filed: Herewith

For: **APPARATUS AND METHOD FOR CREATING A VORTEX FLOW**

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER
37 C.F.R. §1.27 - SMALL BUSINESS CONCERN

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Vortex Flow, LLC
Address of Small Business Concern: 1963 Jasper, Unit 1
Aurora, CO 80011

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121 for purposes of paying reduced fees under 35 U.S.C. §§41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly,

one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

I hereby declare that rights under contract or law have been conveyed to the small business concern identified above with regard to the invention entitled and described in:

- ☐ the specification filed herewith;
☒ the application identified above; or
☐ the patent identified above;

If the rights held by the above-identified small business concern are not exclusive, or if there is an obligation to transfer such rights, each individual, concern or organization having rights or an expectation of rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27(a)(2) and 13 C.F.R. §121 or a nonprofit organization under 37 C.F.R. §1.27(a)(3):

*NOTE: Please obtain separate Assertions of Entitlement to Small Entity Status from each named person, concern or organization having rights to the invention averring to their status as small entities.

Name: Ecotechnology, Ltd.
Address: 4231 Natches Court A
Englewood, CO 80110

☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.27(g))

Signature

Bradley J. Fehn

Date

12 / 3 / 03

Name of Person Signing

Bradley J. Fehn

Title of person other than owner

Chief Executive Officer

Address of person signing

Vortex Flow, LLC
1963 Jasper St., Unit 1
Aurora, CO 80130

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